

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.  
Currently, claims 1-22 and 24-26 are pending in this application.

**Request to Confirm Receipt of ALL Priority Documents:**

The present application is a national phase filing of international application no. PCT/GB99/01394 designating the U.S. and claiming priority from Foreign Application Nos. (GB) 9809600.1 and (EP) 98303520.5. The Notification of Acceptance of Application under 35 U.S.C. §371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed November 2, 2000 apparently acknowledges receipt of the certified priority documents. In light of this acknowledgment, Applicant believes that both of the priority documents were properly received by the USPTO via WIPO and the PCT process.

The Office Action mailed August 28, 2003 acknowledges Applicant's claim for foreign priority under 35 U.S.C. §119. The Office Action also indicated that "Some" of the certified copies of the priority documents have been received. The Office Action did not, however, indicate specifically which (if any) of the certified copies were not received.

The Examiner is respectfully requested to review the application and to confirm that in fact both of Applicant's priority documents have been properly received so as to perfect Applicant's priority claim under 35 U.S.C. §119. In the event that one of the priority documents has not been received, Applicant respectfully requests that the Examiner specifically indicate which one has not been received.

**Rejection Under 35 U.S.C. §103:**

Claims 1-22 and 24-26 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Mannings (WO 96/07110) in view of Titmuss (WO 98/47295).

Applicant respectfully traverses this rejection.

Titmuss was published on October 22, 1998. The present application is entitled to priority rights to GB 9809600.1 filed May 5, 1998 (before the October 22, 1998 publication of Titmuss) and/or EP 98303520.5 filed May 5, 1998 (before the October 22, 1998 publication of Titmuss). As noted above, Applicant believes that copies of the certified priority documents, both of which are written in the English language, were received by the U.S. Patent Office via WIPO and the PCT process (see Form PCT/DO/EO/903 mailed November 2, 2000). Publications of the international applications filed before November 29, 2000 (such as Titmuss) do not have a 35 U.S.C. §102(e) prior art date.

Accordingly, it is believed that Applicant has perfected its foreign priority claim under 35 U.S.C. §119 and that Titmuss is therefore not “prior art” with respect to the present application. It is therefore not believed to be necessary at this time to discuss the technological deficiencies of this document and hence the combination of this document with Mannings. Applicant therefore respectfully requests that the above rejections of claims 1-22 and 24-26 be withdrawn.

A reference U.S. Patent issued from an international application (IA) that was filed prior to November 29, 2000 has a §102(e) prior art date of the date of fulfillment of the

**TITMUSS et al.**  
**Application No. 09/647,884**  
**June 17, 2004**

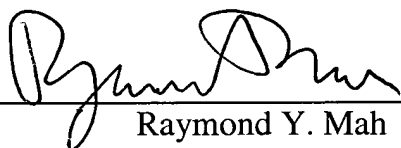
requirements of 35 U.S.C. §371(c)(1), (2) and (4). U.S. Patent No. 6,397,040<sup>1</sup>, which issued from international application PCT/GB98/010156 (which was published as Titmuss WO 98/47295) filed April 9, 1998 (i.e., prior to November 29, 2000), therefore does not qualify as “prior art” with respect to the present application.

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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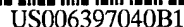
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<sup>1</sup> A front page of U.S. Patent No. 6,397,040 is attached hereto as appendix I.

## APPENDIX I

Front page of U.S. Patent No. 6,397,040



(10) Patent No.: US 6,397,040 B1  
(45) Date of Patent: May 28, 2002

## FOREIGN PATENT DOCUMENTS

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WO	WO 98/21913	5/1998

WO	WO 98/19479	5/1998
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1996, pp. 33-39.

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IEEE Infocom 1996 Proceedings, vol. 3, May 24–28, 1996, pp. 1388–1396.

Information Network and Data Communication, 1996, pp. 378-390.

(List continued on next page.)

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(57) **ABSTRACT**

A method of selecting information sources from which information is provided to users via a telecommunications system, the method comprising: tracking the location of a user in the system by receipt of tracking information for the user; accessing location data indicating localities in which information from the respective sources is deemed to be relevant; generating a shortlist of information sources for the user on the basis of the tracking information and the location data; and transmitting the shortlist to a terminal associated with the user so as to allow the user to select an information source of interest and thereby to access information from the source.

## U.S. PATENT DOCUMENTS

5,515,426	A *	5/1996	Yacenda et al. ....	455/456
5,539,924	A	7/1996	Grube et al. ....	455/456
5,561,704	A	10/1996	Salimando ....	455/456
5,568,153	A	10/1996	Beliveau ....	455/456
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(List continued on next page.)

**44 Claims, 7 Drawing Sheets**

